

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 1146 - SB 1228**

March 16, 2009

**SUMMARY OF BILL:** Adds any telecommunication device to the list of items that are prohibited, without the express written consent of the chief administrator of the institution, in a correctional facility where offenders are housed or supervised. Violation is a Class C felony.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$313,700/Incarceration\***

Assumptions:

- The Department of Correction (DOC) Class A and Selected Other Incidents Report for FY08-09 cumulative totals as of December 31, 2008, indicate 441 incidents where cell phones or cell phone components were found on inmates, on the prison grounds, or in vehicles. An estimated annualized number of incidents would be 882 and DOC estimates in most cases cell phones are transported into an institution by a visitor. DOC estimates one-half of one percent (4.41) of the total yearly incidents (882) would result in four additional offenders.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period.
- According to DOC, the average operating cost per offender per day for calendar year 2009 is \$59.80. According to DOC, the average post-conviction time served for a Class C felony is 3.59 years. The cost per offender at 3.59 years is \$78,426.50 (\$59.80 x 1,311.48 days). The total operating cost for four offenders is \$313,706 (\$78,426.50 x 4).
- Due to the small number of offenders, no recidivism discount has been applied for these offenses.
- Any impact to the state trial court system can be accommodated within existing resources.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with a prominent initial "J" and "W".

James W. White, Executive Director

/lsc